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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,078	08/28/2001	Donald Harrell	10251-047	6164
21890	7590	07/31/2006	EXAMINER	
PROSKAUER ROSE LLP PATENT DEPARTMENT 1585 BROADWAY NEW YORK, NY 10036-8299			FRENEL, VANEL	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/942,078	Applicant(s) HARRELL ET AL.	
	Examiner Vanel Frenel	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the AMENDMENT filed on 5/02/06. Claims 1-25 are pending.

2. Applicant's arguments filed on 5/02/06 have been persuasive and the previous Office Action has been withdrawn, therefore a new Office Action is hereby presented.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lam et al (2002/0120527) in view of Parsons (6,411,939).

(A) As per claim 1, Lam discloses a method for an insurer to automate the transaction of cargo insurance business on-line, comprising the steps of:

a) in response to a customer requests on-line for insuring a cargo shipment, generating a cargo insurance policy quotation on-line (See Lam, Page 6, Paragraph 0064),

(b) upon acceptance of said cargo insurance policy quotation by said customer on-line, generating a bill on-line corresponding to said cargo insurance policy

quotation (See Lam, Page 5, Paragraph 0056).

Lam does not explicitly disclose that the method having c) upon acceptance of said bill by said customer on-line, issuing a cargo insurance certificate on-line to said customer,

(d) determining a reinsurance portion of the value of said cargo insurance certificate automatically, and

e) processing on-line a subsequent claim from said customer regarding said cargo shipment.

However, these features are known in the art, as evidenced by Parsons. In particular, Parsons suggests disclose that the method having c) upon acceptance of said bill by said customer on-line, issuing a cargo insurance certificate on-line to said customer (See Parsons, Fig.30, Col.50, lines 57-67),

(d) determining a reinsurance portion of the value of said cargo insurance certificate automatically (See Parsons, Fig.30, Col.50, lines 57-67 to Col.51, line 5), and

e) processing on-line a subsequent claim from said customer regarding said cargo shipment (See Parsons, Fig.30, Col.50, lines 57-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Parsons within the system of Lam with the motivation of providing Internet –based computerized financial planning service in response to data communicated over the Internet to a financial planning service computer (See Parsons, Col.7, lines 6-9).

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(B) As per claim 2, Parsons discloses the method wherein, prior to generating said cargo insurance policy quotation, said customer is pre-qualified, based on said customer's claim and payment history (See Parsons, Fig.32, Col.55, lines 49-67).

The motivation for combining the respective teachings of Lam and Parsons are as discussed above in the rejection of claim 1, and incorporated herein.

(C) As per claim 3, Parsons discloses the method wherein, prior to generating said cargo insurance policy quotation is based on pre-loaded data, as well as data inputted by said customer (See Parsons, Col.13, lines 29-35).

The motivation for combining the respective teachings of Lam and Parsons are as discussed above in the rejection of claim 1, and incorporated herein.

(D) As per claim 4, Lam discloses the method wherein said generation of said cargo insurance policy quotation can be modified on-line by said customer and said insurer interactively (See Lam, Page 6, Paragraphs 0063- 0064).

(E) As per claim 5, Lam discloses the method wherein when said bill is not acceptable to said customer, said customer is referred to an underwriter (See Lam, Page 5, Paragraphs 0058-0059; Page 6, Paragraphs 0063-0064).

(F) As per claim 6, Lam discloses the method wherein said bill is paid on-line (See Lam, Page 5, Paragraphs 0058-0059).

(G) As per claim 7, Lam discloses the method wherein said cargo insurance certificate is issued on-line (See Lam, Page 5, Paragraphs 0058-0059).

(H) As per claim 8, Lam discloses the method wherein a risk evaluation of said cargo shipment is made, based on pre-determined limits and restrictions (See Page 6, Paragraph 0063).

(I) As per claim 9, Lam discloses the method wherein detail data of said cargo shipment is validated (See Lam, Page 4, Paragraphs 0042-0043).

(J) As per claim 10, Lam discloses the method wherein said reinsurance portion is allocated in accordance with a quota share calculation (See Lam, Page 4, Paragraph 0052).

(K) As per claim 11, Lam discloses the method wherein said reinsurance portion is allocated in accordance with an excess loss calculation (See Lam, Page 4, Paragraphs 0045-0047).

(L) As per claim 12, Lam discloses the method wherein said subsequent claim from said customer requires an investigation (See Lam, Page 5, Paragraph 0059).

(M) As per claim 13, Lam discloses the method wherein said subsequent claim from said customer is paid without requiring an investigation (See Lam, Page 5, Paragraph 0061).

(N) As per claim 14, Lam discloses the method wherein management reports are generated by said insurer (See Lam Page 6, Paragraph 0064).

(O) Claim 15 differs from claim 1 by reciting storage media comprising a plurality of software routines for an insurer to automate the transaction of cargo insurance business said plurality of software routines comprising.

As per this limitation, it is noted that Lam discloses a) a first software routine for generating a cargo insurance policy quotation in response to a customer request to insure a cargo shipment (See Lam, Page 6, Paragraph 0064),

b) a second software routine for generating a bill corresponding to said cargo insurance policy quotation upon acceptance of said cargo insurance policy quotation by said customer (See Lam, Page 5, Paragraph 0059), and Parsons discloses

c) a third software routine for issuing a cargo insurance certificate to said customer upon acceptance of said bill by said customer (See Parsons, Fig.30, Col.50, lines 57-67),

d) a fourth software routine for determining a reinsurance portion of the value of said cargo insurance certificate automatically (See Parsons, Fig.30, Col.50, lines 57-67), and

e) a fifth software routine for processing a subsequent claim from said customer regarding said cargo shipment (See Parsons, Fig.30, Col.50, lines 57-67).

Thus, it is readily apparent to utilize the storage media comprising a plurality of software routines for an insurer to automate the transaction of cargo insurance business said plurality of software routines to perform their specified function.

The remaining of claim 15 is also rejected for the same reasons given above in claim 1, and incorporated herein.

(P) As per claim 16, Lam discloses the storage media further comprising a sixth software routine for pre-qualifying said customer, based on a claim and payment history of said customer, prior to generating said cargo insurance policy quotation (See Lam, Page 6, Paragraph 0064).

(Q) As per claim 18, Lam discloses the storage media further comprising a seventh software routine for referring said customer to an underwriter when said bill is not acceptable to said customer (See Lam, Page 2, Paragraph 0020).

(R) As per claim 19, Lam discloses the storage media further comprising an eighth software routine for processing payment of said bill (See Lam, Page 7, Paragraph 0076).

(S) As per claim 20, Parsons discloses the storage media further comprising a ninth software routine for issuing said cargo insurance certificate (See Parsons, Column 20, lines 38-64).

The motivation for combining the respective teachings of Lam and Parsons are as discussed above in the rejection of claims 1 and 15, and incorporated herein.

(T) As per claim 22, Lam discloses the storage media further comprising an eleventh software routine for validating detail data of said cargo shipment (See Lam, Page 6, Paragraphs 0063-0064)..

(U) Claims 17, 21 and 23-25 recite the underlying process of the elements of claims 3, 8, 10-11 and 14, and respectively. As the various elements of claims 3, 8, 10-11 and 14 have been shown to be either disclosed by or obvious in view of the collective teachings of Lam and Parsons, it is readily apparent the disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 17, 21 and 23-25 are rejected for the same reasons given for the method claims 3, 8, 10-11 and 14, and incorporated herein.

Response to Arguments

5. Applicant's arguments filed on 5/02/06 with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches master universal tariff system and method (2002/0091574).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F
V.F

July 22, 2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER